

TWENTY-FOURTH DAY.

(Thursday, February 18, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

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| Aikin. | Newton. |
| Beck. | Oneal. |
| Brownlee. | Pace. |
| Burns. | Rawlings. |
| Collie. | Redditt. |
| Cotten. | Roberts. |
| Davis. | Shivers. |
| Head. | Small. |
| Hill. | Spears. |
| Holbrook. | Stone. |
| Isbell. | Sulak. |
| Lemens. | Van Zandt. |
| Moore. | Winfield. |
| Neal. | Woodruff. |
| Nelson. | |

The following Senators were absent and excused:

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| Weinert. | Westerfeld. |
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A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Hill.

Leaves of Absence Granted.

Senator Westerfeld was granted leave of absence for today, on account of important business, on motion of Senator Nelson.

Senator Weinert was granted leave of absence for today, on account of illness, on motion of Senator Roberts.

Reports of Standing Committees.

Reports on Senate Bills Nos. 177, 143, 14, 195, 261, 82 and on S. J. R. No. 9 were submitted at this time by the chairmen of the several committees to which they were referred. (See Appendix for reports in full.)

Senate Bills on First Reading.

The following Senate Bills were introduced, read first time and referred to appropriate committees as indicated:

By Senator Lemens:

S. B. No. 284, A bill to be entitled "An Act providing for the creation of corporations for the purpose of establishing, maintaining, operating and engaging in the business of grading, constructing of terraces and drainage structures and all other forms of dirt construction work, and declaring an emergency."

Referred to Committee on State Affairs.

By Senators Lemens, Hill, Spears and Sulak:

S. B. No. 285, A bill to be entitled "An Act providing for the organization of cooperative, non-profit, membership corporations for the purpose of engaging in rural electrification; defining terms; defining the powers and duties of such corporations; providing for the number of incorporators; providing the manner in which such corporations may be organized and prescribing the contents of the articles of incorporation; prohibiting the use of the words "Electric Cooperative" by other corporations; providing for the execution, filing and recording of articles of incorporation and for the renewal of articles of incorporation; providing for the organization, meeting, by-laws, qualifications of members, meetings of members, notice of members' meetings, voting by members, certificates of membership, and exempting members from liability for the debts of the corporation, and quorum of members; providing for a Board of Directors and for the election, qualification and compensation of directors, for the filling of vacancies on the Board of Directors, for directors' meetings, for the election of officers and selection of agents and employees, and for the appointment of an executive committee; providing that such corporations shall be operated without profit and providing for the conduct and business management of such corporations; providing for the amendment of articles of incorporation, and for the consolidation and dissolution of such corporations; prescribing filing fees; providing for an annual license fee for such corporations and exempting such corporations from all other excise taxes; providing a limited exemption of all such corporations from the

provisions of the Texas Securities Act, (Chapter 100, Acts of the Forty-fourth Legislature, Regular Session); providing that defectively organized corporations under this Act may perfect their corporate organizations; extending the provisions of this Act to certain existing corporations; providing for the construction of the Act; declaring the terms and provisions of this Act to be severable; providing that this Act shall be complete in itself, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Brownlee:

S. B. No. 286, A bill to be entitled "An Act providing for declaratory judgments; specifying the situations to which the act applies; providing for construction of contracts before breach; making the act applicable to estates and fiduciary relationships; providing that enumerated powers shall not restrict general powers; vesting discretion in court in exercising powers conferred in this Act; providing for procedure and appeals, supplementary relief, jury trial of facts, and assessing costs; specifying parties who shall be affected; declaring the purpose of the Act, defining terms, providing for a short title, providing for severability of provisions, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Newton:

S. B. No. 287, A bill to be entitled "An Act amending Article 5142 of the Revised Civil Statutes of Texas as adopted by the Fortieth Legislature, Acts 1927, page 335, Chapter 228, concerning the qualifications, duties, appointments, salaries, and removal of probation officers, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Newton:

S. B. No. 288, A bill to be entitled "An Act to define and fix the limits and jurisdiction of the Nineteenth, Fifty-fourth and Seventy-fourth District Courts and to provide for the terms thereof and the procedure to be followed therein in certain particulars; to provide for the judges of said courts to exchange benches,

authorizing either of said judges to sit in either of said courts; authorizing the transfer of a case from either of said courts to another one thereof; to provide for the filing of pleadings in said courts in duplicate and for the safekeeping and withdrawal of the original copy of the pleading so filed upon proper showing; to provide for and limit the filing of motions and amended motions for new trial in said courts; and providing that if any part of this Act is held unconstitutional, the valid portion of the same was intended to be enacted.

Referred to Committee on Judicial Districts.

By Senator Van Zandt:

S. B. No. 289, A bill to be entitled "An Act creating a Special Road Law for Fannin County, Texas, providing that said county may fund or refund the interest-bearing time warrants outstanding against its Road and Bridge Fund as of February 15, 1937, by the issuance of funding bonds, and setting forth the method of issuing same; validating all acts of the commissioners' court and of the county officials of said county in authorizing, levying taxes to pay principal and interest thereon, and in issuing and delivering said warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said county, when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

Senate Concurrent Resolution No. 32.

Senator Lemens offered the following resolution:

Whereas, The members of the Senate and House of Representatives of the Forty-fifth Legislature, had the pleasure of being guests of the citizens of Lubbock and of the Texas Technological College, from Friday, February 12, until Sunday, February 14; and

Whereas, The season of rare entertainment was both highly pleasant and profitable to the members of

the Legislature privileged to make the tour; and

Whereas, A higher appreciation and a deeper understanding of West Texas and her problems has been gained by the Legislature, by virtue of such tour; now, therefore, be it

Resolved, That the Senate of Texas, the House of Representatives concurring, expresses its deep appreciation for the many courtesies and acts of kindness shown the members of the Legislature on the above mentioned occasion; and, be it further

Resolved, That a copy of this resolution be sent to the Lubbock Avalanche, and another to the Torador, with the request that it appear in said publications, and that a further copy be forwarded to Dr. Bradford Knapp, President of Texas Technological College.

The resolution was read.

On motion of Senator Lemens and by unanimous consent, the rule requiring concurrent resolutions to be referred to a committee was suspended to permit consideration of the resolution at this time.

The resolution was adopted.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, Feb. 18, 1937.

Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 120, A bill to be entitled "An Act amending Article 802, Penal Code of Texas, 1925, as amended by Chapter 424, Acts First Called Session, Forty-fourth Legislature, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills and Resolution Signed.

The President Pro Tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

S. B. No. 188, "An Act validating and legalizing bonds issued by

counties for the construction of roads within such counties and the levy of taxes for payment of such county bonds; authorizing the assessment and collection of general ad valorem taxes in all such counties for the payment of such county bonds now outstanding or hereafter issued; and declaring an emergency."

S. B. No. 81, "An Act declaring all fraternal benefit societies, organized or licensed under the provisions of Chapter 8, of Title 78, of the Revised Civil Statutes of Texas, to be charitable or benevolent institutions and exempting the funds of all such fraternal benefit societies from all and every State, county, district, municipal and school tax, including occupation taxes, other than taxes on real estate and office equipment when same is used for other than lodge purposes; and declaring an emergency."

S. C. R. No. 31, Providing for joint session of the Legislature to hear address of Hon. Harold L. Ickes.

House Bill No. 9 on Second Reading.

(Special Order.)

The President Pro Tempore laid before the Senate as a special order for this hour, on its second reading and passage to third reading:

H. B. No. 9, A bill to be entitled "An Act to amend Section 20 of Chapter 76 of the Acts of the Forty-fourth Legislature, Regular Session of 1935, relating to proration of oil production, and declaring an emergency."

The bill was read second time.

Senator Hill offered the following amendment to the bill:

Amend H. B. No. 9 by adding a new Section to be known as Section 3 to read as follows:

"Sec. 3. Amend Section 5, Chapter 76, page 180, Acts of the Forty-fourth Legislature, being Section 5 of Article 6049-c so that the same shall hereafter read as follows:

"The Commission shall have the power, and it shall be its duty, from time to time to inquire into the production, storage, transportation, refining, reclaiming, treating, marketing or processing of crude petroleum oil and natural gas, and the reasonable market demand therefor,

in order to determine whether or not waste exists or is imminent, or whether the Oil and Gas Conservation Laws of Texas, or the rules, regulations, or orders of the Commission promulgated thereunder are being violated. It shall be the duty of all persons producing, storing, transporting, refining, reclaiming, treating, marketing, or processing crude petroleum oil or natural gas or the products of either to keep in this State accurate records as to the amount produced, stored, transported, refined, reclaimed, treated, marketed or processed by such person; and as to the source from which such person has produced, obtained or received crude petroleum oil, natural gas or the products of either, and the disposition made of same. The Commission shall have the power to require all such persons to make and file with the Commission sworn statements or reports as to facts within their knowledge or possession pertaining to the reasonable market demand for crude petroleum oil and to the production, storage, transportation, refining, reclaiming, treating, marketing or processing of crude petroleum oil or natural gas and products of either, including those facts enumerated herein; and to require any well, lease, refinery, plant, tank or storage, or pipe line, or gathering line, belonging to or under the control of any such person to be inspected or gauged by the agents of the Commission whenever and as often and for such periods as the Commission may deem necessary; and the Commission and its agents and the Attorney General and his assistants and representatives may likewise examine the books and records of any such person as often as deemed necessary for the purpose of ascertaining the facts concerning the matters and things hereinabove set forth. The failure of any corporation chartered under the laws of this State to comply with the provisions of this Section and to keep such records in this State, or the refusal to permit the officer herein mentioned to inspect and examine the records herein required, shall constitute grounds for a forfeiture of its charter rights and privileges and the dissolution of its corporate existence. Any such violation by a foreign corporation shall be

ground for enjoining and forever prohibiting such corporation from doing business in this State. It shall be the duty of the Attorney General when in his judgment the public interest requires it, upon his motion, and without leave or order of any judge or court, to institute suit or other appropriate action in the county of the residence of the defendant for forfeiture of charter rights for any domestic corporation and enjoining any foreign corporation from doing business in this State, when any such corporation is deemed guilty of violating the provisions of this Section; and, upon judgment against such defendant for violation of the provisions of this Section, the court may, if in its judgment the public interest requires it, forfeit the charter rights of a defendant domestic corporation and enjoin a defendant foreign corporation from doing business in this State thereafter."

Senator Collie raised a point of order to bar consideration of the amendment, for the reason that it seeks to change the original purpose of the bill.

The point of order was overruled.

Senator Hill, by unanimous consent, withdrew the amendment.

Senator Hill moved that further consideration of the bill be postponed until tomorrow and that it be set as a special order for further consideration immediately after disposal of the special orders already set for that day.

Senator Stone moved to table the motion of Senator Hill.

Question—Shall the motion to table prevail?

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 18, 1937.
Hon. Will D. Pace, President Pro
Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 81, A bill to be entitled "An Act declaring all fraternal benefit societies, organized or licensed

under the provisions of Chapter 8, of Title 78, of the Revised Civil Statutes of Texas, to be charitable or benevolent institutions and exempting the funds of all such fraternal benefit societies from all and every State, county, district, municipal and school tax, including occupation taxes, other than taxes on real estate and office equipment when same is used for other than lodge purposes; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill on First Reading.

The following House Bill, received from the House today, was laid before the Senate, read first time, and referred to appropriate committee, as indicated:

H. B. No. 120, to the Committee on Criminal Jurisprudence.

Recess.

Senator Hill moved that the Senate recess to 2 o'clock p. m. today.

The motion prevailed by the following vote:

Yeas—25.

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| Aikin. | Nelson. |
| Beck. | Oneal. |
| Brownlee. | Pace. |
| Burns. | Redditt. |
| Collie. | Roberts. |
| Cotten. | Shivers. |
| Davis. | Small. |
| Head. | Spears. |
| Hill. | Sulak. |
| Holbrook. | Van Zandt. |
| Isbell. | Winfield. |
| Lemens. | Woodruff. |
| Neal. | |

Nays—2.

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| Moore. | Rawlings. |
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Absent.

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| Newton. | Stone. |
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Absent—Excused.

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| Weinert. | Westerfeld. |
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The Senate, accordingly, at 12:00 o'clock, m., took recess to 2 o'clock p. m. today.

Afternoon Session.

The Senate met at 2 o'clock p. m. and was called to order by the President Pro Tempore.

House Bill No. 9 on Passage to Third Reading.

(Special Order.)

The Senate resumed consideration of pending business; same being S. B. No. 9, relating to proration of oil and gas production, on its passage to third reading; with motion by Senator Hill to set further consideration of the bill as a special order for tomorrow immediately after disposal of the bills heretofore set as special orders for that day, and motion by Senator Stone to table the motion of Senator Hill pending.

Senator Stone withdrew the motion to table.

Senator Hill withdrew the motion to set the bill as a special order.

Senator Hill offered the following amendment to the bill:

Amend H. B. No. 9 by adding a new Section to be numbered "4," and to read as follows:

"In all suits involving penalties or where injunctive relief is sought by the Railroad Commission or the State of Texas under the provisions of Title 102, Revised Civil Statutes of 1925, as amended, or for the confiscation of illegal oil or products as provided under Chapter 246, page 624, Sec. 10 (being Subsections (b) and (c) of Section 10 of Article 6066a), venue shall be in the county where the property is located. The provisions of Sec. 5, Ch. 76, page 180, Acts of the Forty-fourth Legislature with respect to suits for forfeiture of the charters of domestic or foreign corporations shall not be impaired; provided, however, no suit for charter forfeiture shall be joined with a suit for penalties or injunctive relief so as to place venue in such latter type of suits in Travis County.

Senator Moore raised a point of order against consideration of the amendment, on the ground that it is not germane to the subject matter of the bill, since it relates to the venue of all suits that may be brought pursuant to Title 102 of the Revised Civil Statutes, which Title includes matters not related to the subject matter of the bill being considered.

The President Pro Tempore overruled the point of order.

Senator Burns raised a point of order against further consideration

of the bill, on the ground that it seeks to revive a law by reference to its title in violation of Section 36 of Article 3 of the constitution.

The President Pro Tempore overruled the point of order.

Senator Moore and Senator Collie raised a point of order against further consideration of the pending amendment on the ground that the adoption of the amendment would change the original purpose of the bill in violation of Section 30 of Article 3 of the Constitution, the only purpose of the original bill being to extend the operation of a certain law for a given period of time.

The President Pro Tempore overruled the point of order.

Senator Collie moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16.

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| Beck. | Pace. |
| Brownlee. | Rawlings. |
| Collie. | Redditt. |
| Davis. | Roberts. |
| Isbell. | Small. |
| Moore. | Stone. |
| Neal. | Van Zandt. |
| Oneal. | Winfield. |

Nays—13.

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| Aikin. | Newton. |
| Burns. | Shivers. |
| Cotten. | Spears. |
| Hill. | Sulak. |
| Holbrook. | Westerfeld. |
| Lemens. | Woodruff. |
| Nelson. | |

Absent.

Head.

Absent—Excused.

Weinert.

Senator Hill offered the following amendment to the bill:

Amend H. B. No. 9 by adding a new Section to be numbered 4, and to read as follows:

"Amend Article 6049e, Section 13, Revised Civil Statutes of 1925, as amended, so that the same shall hereafter read as follows:

"Sec. 13. Whenever it shall appear that any person is violating

or threatening to violate any provision of this Act, or of Title 102 of the Revised Civil Statutes of Texas, 1925, as amended, or of any rule, regulation or order of the Commission promulgated thereunder, the Commission, through the Attorney General, shall bring suit in the name of the State of Texas against such person in any court of competent jurisdiction in the county of residence of the defendant or, if there be more than one defendant, in the county of residence of any of them, or in the county in which such violation is alleged to have occurred, to restrain such person from violating such statute or such rule, regulation, or order of the Commission, or any part thereof; and in such suit the Commission in the name of the State of Texas may obtain such injunctions, prohibitory and mandatory, including temporary restraining orders and temporary injunctions, as the facts may warrant.

"The violation by any person of any injunction granted under the provisions of this Section shall be sufficient grounds for the appointment by the court, either upon its own motion or that of the Commission in the name of the State of Texas, of a receiver to take charge of such properties of such person, and to exercise such powers as in the judgment of the court shall be necessary in order to bring about compliance with such injunction; provided, however, that no such receiver shall be appointed except after notice and hearing. The power to appoint a receiver as herein provided shall be in addition to and cumulative of the power to punish for contempt."

Senator Collie raised the same point of order against consideration of the amendment as that raised by Senator Moore and himself against the amendment of Senator Hill which has been tabled.

The President Pro Tempore overruled the point of order.

Senator Collie moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—15.

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| Beck. | Collie. |
| Brownlee. | Davis. |

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| Isbell. | Roberts. |
| Moore. | Small. |
| Neal. | Stone. |
| Oneal. | Van Zandt. |
| Pace. | Winfield. |
| Redditt. | |

Nays—13.

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| Aikin. | Nelson. |
| Burns. | Shivers. |
| Cotten. | Spears. |
| Head. | Sulak. |
| Hill. | Westerfeld. |
| Holbrook. | Woodruff. |
| Lemens. | |

Absent.

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| Newton. | Rawlings. |
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Absent—Excused.

Weinert.

Senator Stone moved the previous question on the passage of the bill to third reading, and the motion was duly seconded.

Yeas and nays were demanded, and the Senate refused to order the main question at this time by the following vote:

Yeas—11.

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| Brownlee. | Oneal. |
| Collie. | Roberts. |
| Davis. | Small. |
| Isbell. | Stone. |
| Moore. | Winfield. |
| Neal. | |

Nays—17.

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| Aikin. | Pace. |
| Beck. | Redditt. |
| Burns. | Shivers. |
| Cotten. | Spears. |
| Head. | Sulak. |
| Hill. | Van Zandt. |
| Holbrook. | Westerfeld. |
| Lemens. | Woodruff. |
| Nelson. | |

Absent.

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| Newton. | Rawlings. |
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Absent—Excused.

Weinert.

Senator Hill offered the following amendment to the bill:

Amend H. B. No. 9 by adding a new Section to be numbered 4, and to read as follows:

"Section 4. Amend Chapter 246, page 624, Acts of the Forty-fourth

Legislature, being Section 10 of Article 6066a, Subsections (b) and (c), so that hereafter the same shall read as follows:

"(b) When the Attorney General is advised by the Railroad Commission of Texas of the presence and existence of unlawful oil or unlawful products and upon the request of the Railroad Commission of Texas it shall be the duty of the Attorney General to institute a suit in rem against such unlawful oil or unlawful products and against all persons owning or claiming possession thereof, such suit to be brought in the name of the State of Texas in a court of competent jurisdiction in the county in which such oil or products is located. If it shall appear to the court from an examination of the petition or after hearing evidence thereon at a preliminary hearing that unlawful oil or unlawful products mentioned in the petition are in danger of being removed, wasted, lost or destroyed, the court is authorized, in term time or in vacation, to issue restraining orders or injunctive relief, either mandatory or prohibitive, or to appoint a receiver to take charge of the oil or products in question, or to direct the sheriff of the county in which the unlawful oil or unlawful products are located to seize and impound the same until further orders of the court.

"(c) Notice of pendency of such suit shall be served in the manner prescribed by law; either party to said suit may demand a trial by jury on any issue of fact raised by the pleadings and the case shall proceed to trial as other civil cases. If upon the trial of such suit the oil or products in controversy is found to be unlawful oil or unlawful products, then the court trying said cause shall render judgment forfeiting the same to the State of Texas and authorizing the issuance of an order of sale directed to the sheriff or any constable of the county where the oil or products are located commanding such officer to seize and sell such property in the same manner as personal property is sold under execution. The court may order the oil or products sold in whole or in part as it may deem proper and the sale shall be conducted at the courthouse door of the

county where the oil or products are located and shall conform in all respects to the sale of personal property as aforesaid. The money realized from the sale of any such unlawful oil or unlawful products shall be applied first to the payment of costs of suit and expenses incident to the sale of such oil or products after such expenses have been approved and allowed by the court trying the case, and all funds then remaining shall be remitted forthwith to the State Treasurer and shall be by the Treasurer placed to the credit of the General Revenue Fund of the State of Texas, provided however, that in no case shall a receiver appointed by the court to have custody and control of the unlawful oil or unlawful products be allowed in excess of ten per cent (10%) of the amount received for said oil or products at said sale. All public or private sales of unlawful oil or unlawful products by a receiver shall be null and void and pass no title to the purchaser. The provisions of this Act shall be strictly construed by the courts."

And further amend H. B. No. 9 by adding a new Section to be numbered 5 and to read as follows:

"Amend Section 10, Chapter 246, page 624, Acts of the Forty-fourth Legislature, being Section 10 of Article 6066a, by adding a new Section as follows:

(d) No sale of oil or product under the provisions of this Act shall be made or confirmed for a price of less than sixty-six and two-thirds (66 2/3%) per cent of the current market price prevailing at the place of sale at the time of sale.

Senator Collie moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—14.

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| Collie. | Rawlings. |
| Davis. | Redditt. |
| Isbell. | Roberts. |
| Moore. | Small. |
| Neal. | Stone. |
| Newton. | Van Zandt. |
| Oneal. | Winfield. |

Nays—14.

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| Aikin. | Burns. |
| Beck. | Cotten. |

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| Head. | Pace. |
| Hill. | Shivers. |
| Holbrook. | Sulak. |
| Lemens. | Westerfeld. |
| Nelson. | Woodruff. |

Absent—Excused.

Weinert.

Paired.

Senator Spears (present), who would vote nay; with Senator Brownlee (absent), who would vote yea.

Senator Moore offered the following substitute for the amendment of Senator Hill:

Amend H. B. No. 9 by adding a new Section to be known as Section 1a and reading as follows:

"Chapter 246 of the General Laws of the Forty-fourth Legislature, Regular Session, is hereby repealed."

Senator Collie raised a point of order on consideration of the substitute, on the ground that it is not germane to the subject matter of the bill.

The President Pro Tempore sustained the point of order.

Question recurring on the amendment of Senator Hill, yeas and nays were demanded.

The amendment was lost by the following vote.

Yeas—14:

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| Aikin. | Lemens. |
| Beck. | Nelson. |
| Burns. | Pace. |
| Cotten. | Shivers. |
| Head. | Sulak. |
| Hill. | Westerfeld. |
| Holbrook. | Woodruff. |

Nays—14.

| | |
|---------|------------|
| Collie. | Rawlings. |
| Davis. | Redditt. |
| Isbell. | Roberts. |
| Moore. | Small. |
| Neal. | Stone. |
| Newton. | Van Zandt. |
| Oneal. | Winfield. |

Absent—Excused.

Weinert.

Paired.

Senator Spears (present), who would vote yea; with Senator

Brownlee (absent), who would vote nay.

Senator Hill raised a point of order on further consideration of the bill at this time, on the ground that it is set as a special order for today immediately after the conclusion of the morning call and that this being House Bill Day, the morning call is not concluded until disposal, in regular order, of all House Bills on the calendar on their third and second readings, respectively.

The President Pro Tempore overruled the point of order.

Senator Woodruff raised a point of order against further consideration of the bill at this time on the ground it is not within the province of the Senate to consider the bill until joint rules for the present Session of the Legislature have been adopted.

The President Pro Tempore overruled the point of order.

Question—Shall the bill be passed to third reading?

Bill and Resolution Signed.

The President Pro Tempore signed in the presence of the Senate, after giving due notice thereof, the following bill and resolution:

H. B. No. 89, "An Act making it unlawful to take or kill wild deer or wild turkey in the Counties of Harrison, Marion, Cass, or Bowie for a period of five (5) years; prescribing penalty for violation of this Act, and declaring an emergency."

H. C. R. No. 36, Authorizing the Enrolling Clerk of the House to correct the caption of H. B. No. 89 to conform to the body of the bill.

Senate Bills on First Reading.

(By Unanimous Consent.)

The following Senate Bills were introduced, read severally first time, and referred to appropriate committees as indicated:

By Senators Van Zandt and Westerfeld:

S. B. No. 290, A bill to be entitled "An Act regulating and fixing the rights of parties to contracts or conveyances executed by persons at the time who are of unsound mind or

otherwise incompetent, where no adjudication of incompetency has been made by a court of competent jurisdiction, and, also, where such adjudication has been made but no lawful guardian of the estate of such incompetent has been appointed; providing for the filing in the deed records of each county where such incompetent owns, or has any interest in or lien upon land, of a copy of the order of adjudication; providing for the duty of the court and clerk with respect to the filing of such order, fixing the cost and fee therefor; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senators Van Zandt and Westerfeld:

S. B. No. 291, A bill to be entitled "An Act requiring all incorporated towns, cities and villages having a population of less than 10,000 people, according to the last Federal Census, and all school districts, road districts, water improvement districts, drainage districts, and levy districts to file annually a list of all taxes on real property within such respective districts with the county collector of taxes; requiring the county tax collector to receive and receipt for said taxes and apportion the same; and providing that if any such town, city or village or special district, shall fail to file such tax list by November 1st each year hereafter it shall lose its lien as against an innocent purchaser or mortgagee."

Referred to Committee on Civil Jurisprudence.

By Senators Van Zandt and Westerfeld:

S. B. No. 292, A bill to be entitled "An Act amending Article 5520, Chapter 1, Title 29, Revised Civil Statutes of Texas, 1925, as amended by Acts 1931, Forty-second Legislature, page 230, Chapter 136, Section 2, relating to vendor's lien, mortgage liens and deed of trust notes secured by lien on real estate, providing time and manner of the running of limitation thereon; and of actions to recover real estate by virtue of a superior title retained by vendors or grantors and for the presumption of payment and existence of liens; providing the time and manner of enforcement of said notes and lien to

secure the same, and for the expiration of the lien in certain cases, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senators Van Zandt and Westerfeld:

S. B. No. 293, A bill to be entitled "An Act to amend Article 3485, of Chapter 17, Title 54, of the Revised Civil Statutes of 1925, and to repeal Article 3492, as amended by Chapter 236, page 391, of the General Laws of the Regular Session of the Forty-second Legislature of the State of Texas, so as to provide that the property reserved from forced sale by the Constitution and Laws of this State does not form any part of the estate of a deceased person where a constituent of the family survives, and providing further that such property shall continue to be liable for all debts secured by a valid and subsisting lien or encumbrance thereon, and requiring the court, when administration has been granted upon the estate of such deceased person, to set apart all such property, subject to and charged with the debts secured by a valid and subsisting lien or liens thereon, for the use and benefit of the widow and minor children and unmarried daughters remaining with the family of the deceased, and authorizing the court to order such debts and liens paid and discharged out of the unincumbered, non-exempt property owned by such deceased person at the time of death, making this Act applicable to all estates, whether solvent or insolvent, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senators Van Zandt and Westerfeld:

S. B. No. 294, A bill to be entitled "An Act prohibiting any person from damaging, destroying, or removing any building, orchard, fence, well, or other improvement, or fixture connected therewith, or any part thereof, where the same is subject to any lien debt in default; prescribing offenses and punishment; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

Adjournment.

On motion of Senator Burns, the Senate, at 5:30 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

Reports of Standing Committees.

Committee Room,

Austin, Texas, Feb. 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 195, A bill to be entitled "An Act providing that all bonds which have been heretofore issued and sold by all road districts in counties with a population of not less than Seventeen Thousand and not more than Twenty-one Thousand people, according to the last preceding Federal Census, where the proceeds of the sale of bonds has been expended, in whole or in part, upon a highway which has, since the issuance and sale of said bonds, been temporarily or permanently designated as a part of the State Highway System, shall be entitled to participate in the State Highway Fund, under the provisions and restrictions of Chapter 136, Acts of the Forty-third Legislature, 1933, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 261, A bill to be entitled "An Act amending Section 14, Chapter 277, Acts of the Regular Session, Forty-second Legislature, 1931, as amended by the Forty-third Legislature, 1933, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that it do pass, and be printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 14, A bill to be entitled "An Act to regulate the transportation by motor vehicle for compensation or hire of cattle, sheep, goats, hogs, or domestic fowls upon any public highway, public street, thoroughfare, or any land of which the driver of the motor vehicle is not the owner, lessee, renter, or tenant; providing for the application of a permit by the driver of such motor vehicle, and issuance thereof by the sheriff of the county in which the transportation originates; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute hereto attached do pass in lieu thereof, and be printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1937.

Hon. Will Pace, President Pro Tempore of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 177, A bill to be entitled "An Act to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, and as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature relative to the Board of County and District Road Indebtedness; and providing that if any part of this amendment be unconstitutional or be invalid for any reason, the remaining part shall, nevertheless be in full force and effect; repealing Chapter 117, Acts of the First Called Session of the Forty-third Legislature, except as herein reenacted."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1937.

Hon. Will Pace, President Pro Tempore of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 143, A bill to be entitled "An Act making appropriations to pay deficiency appropriations granted by the Governor during the fiscal year ending August 31, 1936."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 9, A resolution "Proposing an amendment to Section 16, Article XVI, of the Constitution of Texas; providing that the Legislature shall authorize the incorporation of banking bodies and provide for the supervision and regulation of same; providing for all of the capital stock to be subscribed and paid for before charter is issued; restricting foreign corporations from doing banking business; restricting corporate business to one place."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 82, A bill to be entitled "An Act amending Section 1, Chapter 314, General Laws of the State of Texas, Forty-first Legislature, Regular Session, as amended by

Chapter 24 of the General Laws of the Second Called Session thereof, and Chapter 227, Acts of the Regular Session of the Forty-second Legislature, 1931, so as to hereinafter provide that motor carriers and motor vehicles subject to jurisdiction of the Railroad Commission shall be those operating for compensation and hire and providing that the term "compensation and hire" shall not include vehicles transporting goods owned by the owner of such vehicle, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute hereto attached, with committee amendments, be passed in lieu thereof, and be printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 81 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,
Austin, Texas, Feb. 17, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 31 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,
Austin, Texas, Feb. 17, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 188 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

TWENTY-FIFTH DAY.

(Friday, February 19, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Pace.

The roll was called, and the following Senators were present:

| | |
|-----------|-------------|
| Aikin. | Pace. |
| Beck. | Rawlings. |
| Burns. | Redditt. |
| Collie. | Roberts. |
| Cotten. | Shivers. |
| Head. | Small. |
| Hill. | Spears. |
| Holbrook. | Stone. |
| Isbell. | Sulak. |
| Lemens. | Van Zandt. |
| Moore. | Weinert. |
| Neal. | Westerfeld. |
| Nelson. | Winfield. |
| Newton. | Woodruff. |
| Oneal. | |

The following Senators were absent and excused:

Brownlee. Davis.

A quorum was announced present.

The invocation was offered by the Chaplain.

The reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Neal.

Leaves of Absence Granted.

Senator Davis was granted leave of absence for today, on account of important business, on motion of Senator Winfield.

Senator Brownlee was granted leave of absence for today, on account of important business, on motion of Senator Winfield.

Petition.

Senator Sulak submitted a petition of certain citizens of Collin County endorsing S. J. R. No. 5.

The petition was read and was referred by the President Pro Tempore to the Committee on Constitutional Amendments.

Reports of Standing Committees.

Reports on Senate Bills Nos. 58, 229, 230, 83, 10, 197 and 301 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

Senate Bills on First Reading.

The following Senate bills were introduced, read severally first time,